



PTO/SB/33 (07-05)

United States Patent & Trademark Office; U.S. DEPARTMENT OF COMMERCE

PRE-APPEAL REQUEST FOR REVIEW	Docket Number (Optional) 058268.00350
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Mail Stop AF, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on _____ Signature _____ Typed or printed Name _____	Application Number: 10/761,625 Filed: January 22, 2004
	First Named Inventor: Meng-An PAN
	Art Unit: 2618
	Examiner: Tuan H. Nguyen

Mail Stop AF

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a Notice of Appeal.

The review is requested for the reason(s) stated on the attached sheet(s).

Note: No more than five (5) pages may be provided.

I am the

- ☐ Applicant/Inventor.
- ☐ assignee of record of the entire interest.
See 37 CFR 3.71. Statement under
37 CFR 3.73(b) is enclosed
- ☒ Attorney or agent of record.
Registration No. _____

- ☐ Attorney or agent acting under 37 CFR 1.34.
Reg. No. is acting under 37 CFR 1.34 _____

Signature

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Typed or printed name

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Telephone number

July 9, 2007

Date

NOTE: Signatures of all of the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.

- ☐ *Total of _____ forms are submitted.



UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

Meng-An PAN et al.

Art Unit: 2618

Application No.: 10/761,625

Examiner: Tuan H. Nguyen

Filed: January 22, 2004

Attorney Dkt. No.: 058268.00350

For: SYSTEM AND METHOD FOR ADJUSTING POWER AMPLIFIER OUTPUT
POWER IN LINEAR dB STEPS

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

July 9, 2007

Sir:

In accordance with the Pre-Appeal Brief Conference Pilot Program guidelines set forth in the July 12, 2005 Official Gazette Notice, Applicants hereby submit this Pre-Appeal Brief Request for Review of the final rejections of claims 1-17 in the above identified application. Claims 1-17 were finally rejected in the Office Action dated February 9, 2007. Applicants filed a Response to the Final Office Action on May 2, 2007, and the Office issued an Advisory Action dated June 29, 2007 maintaining the final rejections of claims 1-17. Applicants hereby appeal these rejections and submit this Pre-Appeal Brief Request for Review.

The final Office Action rejected claims 1-5, 8-12, and 15-17 under 35 U.S.C. §102(b) as being anticipated by Pehlke (U.S. Patent Pub. No. 2002/0136325). Applicants submit that there is clear error with regard to the anticipation of at least one element of claims 1, 8, 9, and 15 upon which claims 2-7, 10-14, and 16-17 are dependent.

Applicants respectfully submit that the present claims recite subject matter which is neither disclosed nor suggested by Pehlke. For example, Pehlke does not disclose or

suggest, at least, “receiving an instruction to adjust the output power of power amplifier,” or “powering on or off at least one branch of the power amplifier according to the received instruction,” as recited in claim 1, and similarly recited in claims 8 and 9.

In the response to arguments section, the final Office Action cited figures 1, 4, and 9 and paragraph 0051 of Pehlke as allegedly disclosing receiving an instruction to adjust the output power and powering on or off a branch of the amplifier according to a received instruction (final Office Action, page 2). More specifically, the final Office Action cited the section of Pehlke which states “by selecting the appropriate branch 14, or combinations of branches 14, the effective size of the branched power amplifier 12 may be adjusted as output signal power requirements change. Thus, the branched power amplifier 12 is configurable in the sense that different branches 14, or combinations of branches 14, may be enabled to effect different peak power efficiencies of the power amplifier 12” (Pehlke, paragraph 0051).

Applicants respectfully submit, however, that Pehlke does not disclose or suggest “receiving an instruction to adjust the output power of power amplifier,” and then “powering on or off at least one branch of the power amplifier according to the received instruction.” In fact, Pehlke does not make any mention of receiving any type of instructions to adjust the output power. Pehlke merely discloses that the power amplifier 12 is configurable since different branches 14 may be enabled to effect different peak power efficiencies. Therefore, Pehlke does not disclose receiving an instruction to adjust the output power of the power amplifier, and powering on or off a branch of the power amplifier according to the received instruction, as recited in the present claims.

According to embodiments of the present invention, a power amplifier control system 285 controls the power amplifier 280 output power based on instructions received from a base station, other wireless node, or other source. For example, if a wireless device incorporating the transmitter section 200 is near a base station (e.g., BS 12), the base station can instruct the power amplifier control system 285 to decrease the output power on the power amplifier 280, thereby reducing power consumption and reducing

interference in any other nearby wireless devices. The power amplifier control system 285 will then instruct the power amplifier 280 to turn off one or more branches to decrease output power. However, if the wireless device incorporating the transmitter section 200 is far away from a base station, the base station can instruct the power amplifier control system 285 to increase the output power of the power amplifier 280 (Specification, paragraph 0028).

Pehlke does not disclose or suggest receiving instructions to adjust the output power and, therefore, fails to disclose or suggest “receiving an instruction to adjust the output power of power amplifier,” and “powering on or off at least one branch of the power amplifier according to the received instruction,” as recited in claim 1, and similarly recited in claims 8 and 9. Consequently, Applicants respectfully submit that the final rejections are clearly improper and should be withdrawn.

Claims 2-7 and 10-14 are dependent upon claims 1 and 9, respectively. Thus, claims 2-7 and 10-14 should be allowed for at least their dependence upon claims 1 and 9, and for the specific limitations recited therein.

With respect to claim 15, Applicants respectfully submit that Pehlke fails to disclose or suggest “wherein the transistors are arranged in a logarithmic scale, thereby enabling a logarithmic change in output power with the powering on or off of a transistor.” As illustrated in Fig. 3B, which is a block diagram, the embodiments of the present invention provides the power amplifier 280 as part of the transmitter section 200 (FIG. 2). Each input (In) of the section 280a is communicatively coupled to a transistor of the transistors 280b, which vary in size to enable linear in dB steps in adjust output power levels of the amplifier 280 as shown in Table II of the present specification, where transistors are arranged in a logarithmic scale (See Specification, paragraph 0032).

Applicants respectfully submit that Pehlke fails to disclose or suggest that the transistors are arranged in a logarithmic scale. Rather, Pehlke merely discloses that the “lossy modulator 34 includes a control circuit 60, which typically comprises an operational amplifier 64, a current sense resistor 66, a control current source 68, and a

signal resistor 70. The lossy modulator 34 further includes the pass transistor 52” (Pehlke, paragraph 0041). Therefore, Pehlke does not disclose or suggest, at least, “wherein the transistors are arranged in a logarithmic scale, thereby enabling a logarithmic change in output power with the powering on or off of a transistor,” as recited in claim 15. As such, Applicants respectfully request that the rejection of claim 15 is clearly improper and should be withdrawn.

Claims 16 and 17 are dependent upon claim 15. Therefore, claims 16 and 17 should be allowed for at least their dependence upon claim 15, and for the specific limitations recited therein.

Claims 6-7 and 13-14 were rejected under 35 U.S.C. §103(a) as being unpatentable over Pehlke in view of Eidson (U.S. Patent No. 6,255,906). Claims 6-7 and 13-14 are dependent upon claims 1 and 9, respectively. In addition, as discussed above, Pehlke fails to disclose or suggest all of the elements of claims 1 and 9. Furthermore, Eidson fails to cure these deficiencies in Pehlke as Eidson also fails to disclose or suggest, at least, “receiving an instruction to adjust the output power of power amplifier,” “powering on or off at least one branch of the power amplifier according to the received instruction,” or “amplifying a signal according to the adjusted output power.” Accordingly, the combination of Pehlke and Eidson fails to disclose or suggest all of the elements of claims 6-7 and 13-14. Additionally, claims 6-7 and 13-14 should be allowed for at least their dependence upon claims 1 and 9, and for the specific limitations recited therein.

For at least the reasons discussed above, Applicants respectfully submit that the present claims recite subject matter which is neither disclosed nor suggested by Pehlke and Eidson, and that, therefore, the final rejections are clearly erroneous and without basis. It is therefore respectfully requested that all of claims 1-17 be allowed, and this application passed to issue.

Reconsideration and withdrawal of the rejections, in view of the clear errors in the Office Action, is respectfully requested. In the event this paper is not being timely filed,

the applicants respectfully petition for an appropriate extension of time. Any fees for such an extension together with any additional fees may be charged to Counsel's Deposit Account 50-2222.

Respectfully submitted,



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Enclosures: PTO/SB/33 Form
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